

Box No. VIII (iii) DECLARATION: ENTITLEMENT TO CLAIM PRIORITY

The declaration must conform to the standardized wording provided for in Section 213; see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (iii). If this Box is not used, this sheet should not be included in the request.

Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application specified below, where the applicant is not the applicant who filed the earlier application or where the applicant's name has changed since the filing of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii)):

in relation to this international application:

APIO INC. is entitled to claim priority of earlier application numbers

60/540,121 and 60/539,949

by virtue of the following

assignments from:

CLARKE, Raymond, 1394 Marinovich Way, Los Altos, California, United States of America

and

TOMPKINS, Nicholas J., 193 Oak Grove Lane, Arroyo Grande, United States of America

to APIO INC. dated 13 December 2004 (13/12/2004).

This declaration is made for the purposes of all designations, except for the designation of the United States or America.

This declaration is continued on the following sheet, "Continuation of Box No. VIII (iii)".